

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No. 18-CR-2945 - WJ

JANY LEVEILLE,
SIRAJ IBN WAHHAJ,
HUJRAH WAHHAJ,
SUBHANAH WAHHAJ, and
LUCAS MORTON,

Defendants.

**DEFENDANT'S UNOPPOSED MOTION TO APPOINT COORDINATING
DISCOVERY ATTORNEY**

Defendants Jany Leveille, Siraj Ibn Wahhaj, Hujrah Wahhaj, Subhanah Wahhaj, and Lucas Morton, by and through undersigned counsel, and hereby moves this Court for an order under 18 U.S.C. § 3006A(b) appointing Russell M. Aoki as Coordinating Discovery Attorney ("CDA"). Mr. Aoki is one of five National Coordinating Attorneys under contract with the Administrative Office of the U.S. Courts, Defender Services Office. His role is to implement discovery management strategies that will increase the efficiency of review and organization of discovery and preparation for trial.

Basis for Motion to Appoint a Coordinating Discovery Attorney

The Defendants in this matter are charged with various crimes, including (Count 1) Conspiracy to Provide Material Support to Terrorists, in violation of 18 U.S.C. § 2339A, (Count 2) Providing Material Support to Terrorists, in violation of 18 U.S.C. §§ 2339A & 2, (Count 3) Conspiracy to Murder an Officer or Employee of the United

States, in violation 18 U.S.C. § 1117, (Count 4) Conspiracy to Commit an Offense Against the United States, in violation of 18 U.S.C. § 371, (Count 6) Conspiracy to Commit Kidnapping, in violation of 18 U.S.C. § 1201(c), and (Count 7) Kidnapping, in violation of 18 U.S.C. §§ 1201(a) & 2. See Superseding Indictment [Doc. 85]. If convicted of these offenses, Defendants face potential life sentences.

The discovery in this matter is substantial and voluminous. The total volume of United States discovery produced prior to June 10, 2020 is approximately 1.46 Terabytes. The materials are comprised of various file types including various formats of audio and video, thousands of pages of PDF files, cellular phone extractions, forensic computer images, photos, and excel spreadsheets. Prior to June 10, 2020 the Government produced over 27 hours of video and audio recordings. The Bates numbered documents alone are over 26,492 pages. On June 10, 2020, the Government produced additional discovery including eight (8) DVD's and one (1) CD. This large volume of discovery for these five (5) defendants have led counsel to seek the assistance of Mr. Aoki as a Coordinating Discovery Attorney. His role would be that of a consultant providing expert discovery management services. He will advise counsel of the most efficient ways to organize the discovery and implement a discovery management plan. His work will avoid time and costs organizing and searching key documents.

The Administrative Office of the U.S. Courts, Defender Services Office (DSO) funds a program to assist Criminal Justice Act Panel attorneys and Assistant Federal Public Defenders in matters involving voluminous electronic discovery. Under this program, DSO pays the fees of an attorney under contract with DSO and appointed by the Court to serve as Coordinating Discovery Attorney. A Coordinating Discovery Attorney reduces the time

and money expended by appointed counsel in organizing, storing, and reviewing voluminous discovery in complex matters like this one. Mr. Aoki is under contract with DSO to work as a Coordinating Discovery Attorney. Although the cost of his time would be paid by DSO, some of his work requires the help of outside litigation support technology companies. For those services, he will petition this Court for funds.

Mr. Aoki has been appointed by the federal courts as a Coordinating Discovery Attorney for approximately 100 federal cases in 27 jurisdictions. He has experience strategizing how best to organize multiple types of discovery formats while being mindful of maintaining evidentiary integrity. He would use this experience to assist defense counsel in organizing the voluminous discovery. His work will not include representational services for any defendant. Mr. Aoki has been appointed by the United States District Court for the District of New Mexico as the CDA for a majority of the attorneys representing the Defendants in the above entitled and numbered matter.

None of the defense counsel have the same level of experience as Mr. Aoki. His work could save substantial time and costs in assessing and organizing the discovery, as opposed to all defense counsel and their staff learning about the tools to analyze such a large volume of materials.

For all the reasons set forth above, defense counsel respectfully requests this Court enter an order appointing Russell M. Aoki of Aoki Law PLLC as the Coordinating Discovery Attorney.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I FURTHER CERTIFY that on the 17th day of June, 2020, I filed the foregoing motion with the CM/ECF system for the United States District Court for the District of New Mexico, which caused service upon all parties through counsel of record.

Electronically filed 6/17/2020

BILLY R. BLACKBURN

Attorney for Defendant Subhanah Wahhaj